



April 11, 2007

Via ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Ex Parte Presentation in: ET Docket No. 04-151, WT Docket No. 05-96, ET Docket No. 02-380, ET Docket No. 98-237, IB Docket No. 95-91, WT Docket No. 07-16, ET Docket No. 04-186, MB Docket No. 07-57

Dear Ms. Dortch:

On behalf of NextWave Broadband Inc. ("NextWave"), this is to report that on April 11, 2007, Ken Stanwood, Jim O'Connor, Harold Furchtgott-Roth and I met with Fred Campbell and Erika Olsen of the Wireless Telecommunications Bureau to discuss the above captioned proceedings.

During the meeting, we urged the FCC to address the need for changes to both Part 25 and 27 of its Rules to ensure co-existence between SDARS and WCS operations in the 2.3 GHz band. This issue has been languishing for over six years without resolution, hindering WCS equipment development, network design, and facility deployment. With the recent merger application filed by XM and Sirius at the forefront of SDARS-related discussions, the resolution of the SDARS/WCS co-existence problem risks being overlooked. Regardless of whether the merger application is approved, the co-existence issue with WCS must be resolved in order to enable WCS licensees to complete their recently extended construction requirements within the next three years. As such, it is critical that rules be adopted without further delay.

In addition, we provided an update regarding ongoing work within IEEE to modify both the WiMAX and Wi-Fi standards to support the FCC's requirements for the 3.65 GHz band and encouraged the FCC to affirm those rules by dismissing the pending petitions for reconsideration and establishing the registration database for high-power, fixed transmitters. In particular, we explained that a contention-based protocol has been added to the 802.16 standard (as part of the 802.16h amendment). At the same time, in 802.11y, changes are being made to improve the ability of Wi-Fi to co-exist with other technologies. IEEE 802.19, which addresses co-existence issues, is hosting regular meetings between 802.16 and 802.11 to review the results of simulations of co-channel operation of WiMAX and Wi-Fi systems to confirm that the proposed changes to both standards are effective prior to their implementation. The introduction of these technologies in the 3.65 GHz band will be accelerated by stabilization of the rules governing the band and the establishment of a registration database and certification process.

Furthermore, the ongoing work within IEEE to implement contention-based protocols into the WiMAX and Wi-Fi standards may be leveraged for other bands that are being made available for wireless

broadband services on an unlicensed or lightly-licensed basis. The use of contention-based protocols by WiMAX and Wi-Fi systems may facilitate their deployment in the TV White Spaces and the 2155-2175 MHz AWS bands, for example.

Respectfully submitted,

/s/ Jennifer M. McCarthy

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Cc: Fred Campbell
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